

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Phillip E. Morris  
SERIAL NO. : 10/043,153  
FILED : January 14, 2002  
FOR : EXERCISE MACHINE WITH VARIABLE RESISTANCE UNIT AND  
BRAKING UNIT  
ART UNIT : 3764  
EXAMINER : T. M. Nguyen  
FOR : 10541/6

MAIL STOP 16

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST FOR REFUND FOR SMALL ENTITY STATUS**

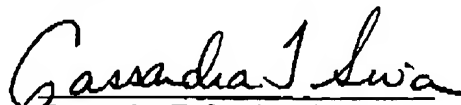
Applicant hereby request a refund in the amount of \$264.00.

Though Applicant qualifies as a "small entity" under 37 C.F.R. §1.27(a), Applicant inadvertently paid the large entity fee for six (6) independent claims for the Response to the September 9, 2004, Office Action filed on October 27, 2004.

The Amendment Transmittal and the Amendment for which the fee of \$528.00 was charged to the Kenyon & Kenyon, Deposit Account No. 11-0600. Applicants are small entity.

It is requested that the amount of \$264.00 for small entity be refunded and credited to the Kenyon & Kenyon, Deposit Account No. 11-0600 (this represents the difference between the amount that was paid for a large entity and the amount that was actually owed as a small entity). A duplicate of this letter is enclosed for this purpose.

Respectfully submitted,



Cassandra T. Swain, Ph.D.  
Registration No. 48,361

Date May 23, 2005

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